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DEPARTMENT FOR SCA/INS, DRL, L AND IO

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TAGS: PHUM PREL PINS UN CE

SUBJECT: SRI LANKA: UN HIGH COMMISSIONER FOR HUMAN RIGHTS RAISES ISSUE OF WAR CRIMES

REF: A. COLOMBO 294
1B. COLOMBO 285
1C. COLOMBO 283
1D. COLOMBO 125

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1. (SBU) SUMMARY: On March 13 U.N. High Commissioner for Human Rights released a statement in which she raised the possibility that war crimes were being committed by the Sri Lankan military and the LTTE. Human Rights Minister Samarasinghe responded for the government describing the statement as "very very unprofessional" and claiming the High Commissioner was using information from LTTE front organizations. In a March 15 meeting with a Sri Lankan delegation Pillay reportedly told the Sri Lankans that she would be happy to be proven wrong but needed to send staff to the country to better assess the claims of both sides in the conflict. Post requests (see para 6) Mission Geneva reach out to the High Commissioner's office to explore a coordinated strategy to bring added attention to the humanitarian situation in northern Sri Lankan and send a message to the government that their actions are under close scrutiny. End Summary

OHCHR Raises Possibility of War Crimes

¶2. (SBU) As reported (ref A), on March 13 U.N. High Commissioner for Human Rights Navanethem Pillay released a statement in which she noted, "Certain actions being undertaken by the Sri Lankan military and by the LTTE may constitute violations of international human rights and humanitarian law. We need to know more about what is going on, but we know enough to be sure that the situation is absolutely desperate. The world today is ever sensitive about such acts that could amount to war crimes and crimes against humanity... a range of credible sources have indicated that more than 2,800 civilians may have been killed and more than 7,000 injured since January 20, many of them inside the no-fire zones. The casualties are believed to include hundreds of children killed and more than a thousand injured."

GSL Pushes Back Strongly

¶3. (SBU) On March 14 Minister of Disaster Management and Human Rights Mahinda Samarasinghe responded for the government, calling Pillay's statement "very, very unprofessional... to rely on unsubstantiated figures." Samarasinghe further claimed that "the army is not shelling into the safe zone for civilians" and that Pillay's casualty figures were taken from LTTE front organizations and their representatives. (Note: ref C reported the same U.N. casualty figures, which Post understands have been derived from reports on the ground by UN and ICRC staff and considers credible. Numerous sources have discredited the government's assertion that it is not shelling into the "safe zone.") On March 16, National Freedom Front leader Wimal Weerawansa announced that his nationalist party (a component of the government's coalition) would surround the U.N. offices in Colombo if the organization filed war crimes charges against the government.

Pillay Highlights Need for OHCHR In-Country Staff

¶4. (C) The U.N.'s in-country Human Rights Advisor Cynthia Veliko (protect) reported to Poloff that Pillay had not alerted the government that she would be issuing the statement prior to its release - a break with the normal procedure of raising issues privately before going public. Veliko also provided a brief readout of the March 15 meeting between Pillay and a Sri Lankan delegation headed by Rajiva Wijesinha, the Secretary of the Ministry of Disaster Management and Human Rights. After listening to the Sri Lankans' objections to the statement, the High Commissioner told the delegation that she would be happy to be proven wrong and retract the press release. To do so, however she would need to be able to send staff to the country to collect information to better assess the claims and counterclaims of both sides.

¶5. (C) COMMENT: The Government will undoubtedly oppose any proposed fact-finding mission to the country, much as it has consistently opposed the establishment of a full-fledged OHCHR office in Colombo. Secretary of Defense Gothabaya Rajapaksa has previously assured Ambassador that the military would halt its offensive once they have reached the border of the safe zone (ref C) to allow time for diplomatic moves to persuade the LTTE to lay down arms and allow civilians to leave the conflict area. However, the government, under pressure both internally and externally, will likely try to finish the LTTE off before the Buddhist New Year holiday in mid-April. Any attempt to take the small remaining LTTE-held territory by force will further endanger the lives of tens of thousands of civilians. Although the GSL would reject a fact-finding mission such a request would serve to help deter the GSL from taking precipitous military action that would kill thousands of civilians.

¶6. (C) ACTION REQUEST: Mission would support a coordinated strategy in which the High Commissioner would call for a fact-finding mission and interested governments would publicly support such a move would send an important signal to the GSL that its conduct is under close scrutiny. Ambassador discussed the possibilities of concerted action in various UN venues with UN resident representative Buhne and his senior human rights advisor Veliko on March 13. To follow up, Ambassador plans to host a meeting on March 25 with Ambassadors/High Commissioners of like-minded countries to discuss common approaches to Sri Lanka's humanitarian and human rights crises. Post suggests Mission Geneva reach out to the High Commissioner's office to explore the possibility of such steps, as well as the prospects for a special session of the Human Rights Council on Sri Lanka.